

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

SPENCER MCCLAIN,

Plaintiff,

v.

Case No. 20-cv-1796-bhl

ALFONSO MORALES, et al.,

Defendants.

ORDER

On March 1, 2021, the Court screened and dismissed the original complaint for violating Federal Rule of Civil Procedure 8. Dkt. No. 8. The Court instructed plaintiff Spencer McClain to file an amended complaint consistent with the instructions in the screening order by April 1, 2021, if he wanted to continue pursuing this case. *Id.* at 2-3. The Court also advised McClain that he could not bring his Fourth, Sixth, Eighth, and Fourteenth Amendment claims in the same lawsuit; that these claims likely belonged in different lawsuits. *Id.* at 3.

On March 11, 2021, McClain filed a motion to stay this case for 90-days to “await the outcome” of his state court criminal trial scheduled for April 19, 2021. Dkt. No. 9. The Court will grant the motion to stay but will direct the clerk’s office to administratively close this case in the meantime. Once McClain’s state court proceedings have ceased, he can file a motion to reopen this case and lift the stay.

McClain should be aware that the outcome of his state court criminal trial may impact whether he can proceed with a Fourth Amendment claim in this lawsuit. *See Heck v. Humphrey*, 512 U.S. 477, 487 (1994) (concluding that a state prisoner cannot seek damages in a §1983 suit if

a judgment in his favor “would necessarily imply the invalidity of his conviction or sentence”). If McClain is convicted during his state court criminal trial, he likely cannot bring a Fourth Amendment claim related to those charges unless “the conviction or sentence has been reversed on direct appeal, expunged by executive order, declared invalid by a state tribunal authorized to make such determination, or called into question by a federal court’s issuance of a writ of habeas corpus.” *Id.*

IT IS ORDERED that the plaintiff’s motion to stay (Dkt. No. 9) is **GRANTED**. The clerk’s office is directed to **ADMINISTRATIVELY CLOSE** this case. It is McClain’s responsibility to file a motion to reopen the case and lift the stay after his state court proceedings have ceased.

Dated at Milwaukee, Wisconsin this 22nd day of March, 2021.

s/ Brett H. Ludwig

Brett H. Ludwig
United States District Judge